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SUBJECT: CHING CHEONG'S FAMILY AND HONG KONG LEGISLATURE
APPEAL FOR EARLY RELEASE ON MEDICAL PAROLE

REF: A. HONG KONG 2452

1B. HONG KONG 3559

Classified By: E/P Chief Laurent Charbonnet. Reasons: 1.4 (b,d)

11. (C) Summary: The family of detained "Straits Times" reporter Ching Cheong formally requested on December 16 that mainland authorities release Ching on medical parole, or allow him to serve his sentence in a Guangdong prison, following last month's decision by a Beijing appeals court to uphold his five-year sentence for espionage. Ching's family also has asked Hong Kong Chief Executive (CE) Donald Tsang to hand the detained reporter's medical records directly to Chinese leaders during his annual duty visit to Beijing in late December. Various Hong Kong groups have submitted petitions calling for Ching's early release on medical parole, and the legislature passed a motion calling on the CE to help secure an early release for the jailed journalist. A former colleague of Ching's told us that PRC "middlemen" may have led Ching's family to believe that his five-year sentence might be commuted during the appeals process; the family therefore was disappointed when the appeals court upheld the original sentence. End Summary.

Family Requests Medical Parole

12. (SBU) The family of detained "Straits Times" reporter Ching Cheong formally requested on December 16 that mainland authorities release Ching on medical parole, or allow him to serve out his sentence in a Guangdong prison. The request follows the November 24 decision by a Beijing appeals court to uphold Ching's five-year sentence for espionage. The Hong Kong Legislative Council (Legco) passed a motion on December 13 calling on the Chief Executive (CE) to help secure medical parole for the jailed journalist; separately, forty-five Legco members, including democrats and pro-Government legislators, signed a petition calling for Ching's early release on medical grounds. Secretary for Security Ambrose Lee, responding to the Legco motion, said the Government had conveyed the family's requests and the Legco petition in support of Ching to Beijing authorities, and also had assigned an official to liaise with the journalist's family. Lee cautioned, however, that assistance by the HKG was limited under the "one country, two systems" framework. Ching's family also has requested that Tsang hand the detained reporter's medical records directly to Chinese leaders during the CE's annual duty visit to Beijing, scheduled to take place at the end of this month.

13. (SBU) The Ching Cheong Incident Concern Group submitted a petition, signed by over 1,800 people, calling for Ching's

release on humanitarian grounds to CE Donald Tsang on December 12. Signatories include former Chief Secretary Anson Chan, National People's Congress (NPC) deputy Allen Lee, and Civic Exchange CEO Christine Loh. The Hong Kong Journalists Association also is collecting signatures for a similar petition calling for Ching's release by medical parole, which it will present to the HKG on December 22.

Family Shocked by Appeal

¶ 14. (C) Johnny Lau, a former Ching colleague and veteran China analyst, told us recently that he continued to believe Ching was not involved in espionage activities and his arrest was not related to his attempts to retrieve a manuscript on Zhao Ziyang (Ref A). Lau believed the Ministry of Public Security (MPS) began its investigation of Ching without any evidence of espionage activities, and was only able to build a case after gaining access to Ching's computer. Ching personally authorized his wife to provide his computer to PRC security officials after his detention, because he felt he had "nothing to hide," recounted Lau.

¶ 15. (C) Ching's family appeared stunned and disappointed by the decision of the Beijing Higher People's Court to uphold the lower court's verdict. According to Lau, PRC "middlemen" may have led Ching's family to believe that his five-year sentence might be commuted. As a result, Ching's family had hoped that if they kept a relatively low profile, Ching's prison sentence might be reduced during the appeals process. Now, however, his family has decided to adopt a more high-profile approach in seeking medical parole for Ching.

¶ 16. (C) Despite the family's disappointment with the ruling, Lau saw some positive developments. While Ching originally

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had been accused in the mainland press of having a mistress, accepting bribes worth millions of Hong Kong dollars, and conducting espionage activities for Taiwan for four years, now -- 20 months after he was first detained -- there is no longer any mention of a mistress. In the "leaked" version of Ching's original court verdict, he was convicted of accepting a smaller sum of HKD300,000 (USD38,500) and of conducting espionage activities for the shorter period of a year and a half (Ref B). Also according to Lau, PRC authorities normally do not reduce charges in these types of criminal cases.

¶ 17. (C) Ching's case is atypical because of his strong ties to prominent pro-Beijing Hong Kongers. Lau told us that several high profile, pro-Beijing individuals had sent private messages to Chinese leaders asking for the courts to grant leniency when sentencing Ching, including: Ng Hong Kong Man, veteran NPC deputy and key founder of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB); Tsang Yok-sing, Executive Council member and former DAB Chairman; C.H. Tung, former Chief Executive; Henry Fok, the late Chinese People's Political Consultative Conference (CPPCC) Vice Chairman; and Elsie Leung, retired HKG Secretary for Justice. While Beijing would consider the views of Hong Kong's pro-Beijing community, Lau said this was by no means the most important factor. He speculated that PRC Vice President Zeng Qinghong was aware of the strong local interest in Ching's case, but it would be difficult for Zeng to interfere in an MPS case.

Cunningham